



## PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

**Agency:** Office of the Insurance Commissioner

**Subject of possible rule making:** Open and Special Enrollment in the Individual and Small group health plan markets

Insurance Commissioner Matter No. R 2013-02

**Statutes authorizing the agency to adopt rules on this subject:** RCW 48.02.060, 48.18.120(2), 48.20.450, 48.43.720, 48.44.050, and 48.46.200

**Reasons why rules on this subject may be needed and what they might accomplish:** Beginning October 1, 2013, the Health Benefit Exchange will conduct open enrollment for health plans offered on the Exchange. The first year, open enrollment closes in March 2014; subsequently it will end earlier. Beginning January 1, 2014, health plan issuers must enroll all applicants, whether the applicant seeks coverage during open enrollment (on or off the Exchange) or off-Exchange at any time during the calendar year. This creates a risk of adverse selection for the off-Exchange markets, because someone with a specific health care need can enroll, receive the service, and disenroll, unless open enrollment periods are established that parallel the Exchange's time frames.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
There are no other federal or state agencies that regulate the off-Exchange marketplace with regard to this subject.

**Process for developing new rule (check all that apply):**

- ☐ Negotiated rule making  
☐ Pilot rule making  
☐ Agency study

X Other (describe) Submit written comments by March 8, 2013

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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**DATE**  
January 23, 2013

**NAME (TYPE OR PRINT)**  
Mike Kreidler

**SIGNATURE**

**TITLE**  
Insurance Commissioner

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FILED

**DATE:** January 23, 2013  
**TIME:** 9:53 AM

**WSR 13-03-140**